MINISTRY OF COMMERCE & INDUSTRY
Government of India

The Coffee Rules, 1955.

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GOVERNMENT OF INDIA

MINISTRY OF COMMERCE & INDUSTRY

THE COFFEE RULES, 1955

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MINISTRY OF COMMERCE AND INDUSTRY

NOTIFICATION

COFFEE CONTROL

New Delhi, the 1st August 1955

S.R.O. 1666.—In exercise of the powers conferred by section 48 of the Coffee Act, 1942 (VII of 1942) and in supersession of the Coffee Market Expansion Rules 1940, the Central Government hereby makes the following rules, namely:—

CHAPTER I

PRELIMINARY

1. **Short title.**—These rules may be called the Coffee Rules, 1955.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(1) "the Act" means the Coffee Act, 1942 (VII of 1942),

(2) "Accounts Officer" means the Accounts Officer of the Board,

(3) "Board" means the Coffee Board constituted under Section 4,

(4) "Chairman" means the Chairman of the Board,

(5) "Chief Coffee Marketing Officer" means the Chief Coffee Marketing Officer of the Board and includes the Deputy Chief Coffee Marketing Officer,

(6) "Committee" means any Committee constituted or appointed by the Board under sub-section (2) of section 7,

(7) "Deputy Chief Coffee Marketing Officer" means the Deputy Chief Coffee Marketing Officer of the Board,

(8) "Deputy Secretary" means the Deputy Secretary to the Board,

(9) "Director of Research" means the Director of Research of the Board,

(10) "Form" means a Form set out in the First Schedule,

(11) "large grower" means a registered owner owning land planted with arabica coffee, robusta coffee, or both aggregating to not less than 50 acres, whether such land is comprised in one estate or more than one estate,

(12) "Member" means a member of the Board,

(13) "robusta grower" means a registered owner owning land planted with robusta coffee plants aggregating to not less than 5 acres, whether such land is comprised in one estate or more than one estate:

Provided that where both robusta and arbica plants are planted, the area under robusta shall not be less than the area under arabica;

(14) "Schedule" means a Schedule set out in these rules,

(15) "Secretary" means the Secretary to the Board,

(16) "Section" means a section of the Act.

(17) "small grower" means a registered owner who is not a large grower,

(18) "Vice-Chairman" means the Vice-Chairman of the Board, and

(19) "year" means the year as defined in the Act, except for the purpose of preparing a budget out of the general fund of the Board, in which case year shall mean the financial year commencing on the first day of April.

CHAPTER II

BOARD AND ITS CONSTITUTION

3. *Constitution of the Board and manner of filling vacancies.*—(1) The Board shall consist of the Chairman and thirty-three other members representing the industry, bodies, authorities and other interests specified in clauses (ii) to (xiv) of sub-section (2) of section 4.

(2) Of the four persons to represent the coffee growing industry in each of the States of Coorg, Mysore and Madras under clauses (vi), (vii) and (viii) respectively of sub-section (2) of section 4, two persons shall represent large growers, one person robusta growers and one person small growers. The persons representing the large growers in a State shall be elected from among the large growers of that State in accordance with the rules specified in the Second Schedule. The persons representing the robusta growers and small growers of each State shall be nominated by the Central Government after making such consultation as it may think fit.

(3) The Central Government may make such consultation as it may think fit before appointing the representatives specified in clauses (ix) to (xiii) of sub-section (2) of section 4 as members of the Board.

4. *Term of office.*—(1) Save as hereinafter provided, a member shall hold office for three years from the date of the publication of the notification in the official Gazette notifying his nomination or election and shall be eligible for re-nomination or re-election, as the case may be.

(2) A member elected or nominated to fill a casual vacancy, or a member nominated by the Central Government on failure of any authority or body mentioned in sub-section (2) of section 4 to make a nomination shall hold office so long as the member whose place he fills would have been entitled to hold office if the vacancy had not occurred or the nomination had not been made, as the case may be.

5. *Membership Roll.* — The Secretary shall keep a record of names of members and their addresses.

6. *Change of Address.*—If a member changes his address, he shall notify his new address to the Secretary who shall thereupon enter his new address in the official records but if he fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

7. *Resignation.*—A member of the Board or of a Committee may resign his office by a letter addressed to the Secretary, but the resignation shall not take effect until it is accepted by the Chairman of the Board or of the Committee, as the case may be.

8. *Removal from the Board.*—The Central Government may remove any member from his office:

(a) if he becomes bankrupt or insolvent or suspends payment or compounds with his creditors, or

(b) if he is convicted of any offence which is punishable under the Indian Penal Code (Act XLV of 1860) and is under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), non-bailable, or

(c) if he is of unsound mind and stands so declared by a competent court, or

(d) if he absents himself from two consecutive meetings of the Board without the leave of the Chairman and in any case from three consecutive meetings, or

(e) if he defaults in payment of any dues to the Board, and is so declared by the Board.

9. *Absence from India.*—(1) Before a member departs from India—

(a) he shall intimate to the Secretary the date of his departure from and the date of his expected return to India , and

(b) if he intends to be absent from India for a period longer than six months, he shall tender his resignation.

(2) If any member departs from India without taking either of the courses mentioned in sub-rule (1), he shall be deemed to have resigned his office with effect from the date of his departure from India.

10. *Vice-Chairman.*—(1) The Board shall, in each year out of its own number, elect a person to be the Vice-Chairman for a period of twelve months commencing from the date of his election.

(2) In the event of the Vice-Chairman resigning his office as such or ceasing to be a member of the Board, the Board shall at its next meeting elect a member to be Vice-Chairman for the unexpired portion of the term of office of the Vice-Chairman elected under sub-rule (1).

CHAPTER III

PROCEDURE-BOARD AND COMMITTEES

11. *Minimum number of meetings of the Board.*—There shall be not less than two ordinary meetings of the Board in a year on dates to be fixed by the Chairman and at such places as the Chairman may think fit. The interval between any two ordinary meetings shall not, in any case, be longer than eight months.

12. *Power to call Board meetings.*— (1) The Chairman of the Board may at any time call a meeting of the Board and shall do so if a requisition for that purpose is presented to him by at least eight members of the Board.

(2) At least fourteen clear days before any meeting of the Board, notice of the time and place of the intended meeting, signed by the Secretary, shall be sent to the Government of India in the Ministry of Commerce and Industry and left at or posted to the address of every member of the Board:

Provided that in cases of urgency, a special meeting may be summoned at any time by the Chairman who shall inform in advance the Government of India in the Ministry of Commerce and Industry and members of the subject matter for discussion and the reasons for which he considers it urgent. No ordinary business shall be transacted at such special meetings.

(3) The Chairman of the Board may require any officer of the Board or invite any person or persons to attend any meeting of the Board, but such officer or person or persons shall not have the power to vote.

13. *Quorum.*—No business shall be transacted at any meeting of the Board unless there are present at least twelve members.

14. *Presiding over Board meetings.*—The Chairman shall preside at every meeting of the Board at which he is present, and in his absence, the Vice-Chairman shall preside, but when both the Chairman and the Vice-Chairman are absent from any meeting, the members present shall elect one of their number to preside at that meeting.

15. *Agenda.*—(1) The Chairman of the Board shall cause to be prepared and circulated to the Government of India in the Ministry of Commerce and Industry and among the members at least ten days before an ordinary meeting of the Board a list of business to be considered at that meeting.

(2) No business not set down on the agenda shall be considered without the permission of the Chairman.

16. *Business by circulation.*—(1) All questions which the Board is required to take into consideration shall be referred to the members of the Board either at its meetings or by circulation of papers if the Chairman so directs and copies of all papers so placed at the meeting or so circulated to members shall be sent to the Government of India in the Ministry of Commerce and Industry.

(2) Any proposal or resolution so circulated and approved by the majority of members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by a majority of votes of members at a meeting:

Provided that at least twelve members of the Board have recorded their views on the resolution or proposal:

Provided further, that the papers need not be sent to any member who is absent from India:

Provided also that when a question is referred by circulation of papers, any four members of the Board may require that the question be referred to a meeting, and thereupon such a reference shall be made to the Board at a meeting.

(3) When any business is referred to members of the Board by circulation, a period of not less than 10 clear days shall be allowed for receipt of replies from members. Such period is to be reckoned from the date on which the notice of business is issued.

(4) If a resolution or proposal is circulated, the results of the circulation shall be communicated to all the members and to the Government of India in the Ministry of Commerce and Industry.

(5) All decisions on questions arrived at by circulation of papers shall be placed at the next meeting of the Board for record.

17. *Voting.*— (1) Except as provided in rule 16 every question brought before any meeting of the Board shall be decided by a majority of the members present and voting at the meeting before which the matter is brought.

(2) In the case of an equality of votes, the Chairman or the Vice-Chairman or any other member presiding at the meeting, shall have a second or casting vote.

18. *Appointment of Committees.*—(1) The Board may appoint every year the following Standing Committees and may appoint such other Committees as the Board deems necessary to exercise such powers and discharge such functions as may be delegated to it under these rules, namely:—

(a) an Executive Committee consisting of:—

  (i) the Chairman who shall be the *ex-officio* Chairman of the Committee;
  (ii) the Vice-Chairman;
  (iii) the members representing the Governments of Mysore, Madras and Coorg; and
  (iv) three other members appointed by the Board by election, of whom not more than two shall be representatives of growers;

(b) a Propaganda Committee consisting of:—

  (i) the Chairman who shall be the *ex-officio* Chairman of the Committee, and
  (ii) five other members appointed by the Board by election;

(c) a Marketing Committee consisting of:—

  (i) the Chairman who shall be the *ex-officio* Chairman of the Committee, and
  (ii) nine other members appointed by the Board by election, of whom five shall be representatives of growers; two shall be representatives of the coffee trade and two shall be representatives of consumers:

Provided that the Chief Coffee Marketing Officer shall attend all meetings of the Marketing Committee and participate in its proceedings but shall have no right to vote;

(d) a Research Committee consisting of:—

  (i) the member representing the Government of the State of Mysore who shall be the Chairman of the Committee,
  (ii) the member representing the Government of the State of Madras,
  (iii) the member representing the Government of the State of Coorg, and
  (iv) seven other members appointed by the Board by election of whom three members shall be from the State of Mysore:

Provided that the Director of Research shall attend all meetings of the Committee and participate in its proceedings but shall have no right to vote.

(2) *Sub-Committee.*—A Committee appointed by the Board may appoint a Sub-Committee from among its members for enquiring and reporting on any specified subject or any other purpose within the scope of the functions allotted to it by the Board. Such Sub-Committee shall have no statutory powers.

(3) The Chairman of any Committee appointed by the Board may require any officer of the Board or invite any person or persons to attend any meeting of the Committee but such officers or persons shall have no right to vote.

(4) *Functions of Committees.*—(a) *Propaganda Committee.*—Subject to such restrictions as may be imposed by the Board, the Propaganda Committee shall discharge all the functions of the Board in regard to such measures as may be undertaken for promoting the sale and increasing the consumption in India and elsewhere of coffee produced in India.

(b) *Marketing Committee.*—Subject to such restrictions as may be imposed by the Board, the Marketing Committee shall discharge all the functions of the Board in regard to the Coffee Marketing Scheme as set forth in the Act and the Rules.

(c) *Research Committee.*—Subject to such restrictions as may be imposed by the Board, the Research Committee shall discharge all the functions of the Board in regard to the promotion of agricultural and technological research in the interest of the coffee industry in India.

(d) *Executive Committee.*—The Executive Committee shall in addition to such functions as have been specifically assigned to it under these rules, discharge any other functions of the Board in regard to matters not specifically assigned to the Propaganda, the Marketing or the Research Committee or any other Committees which may be constituted by the Board.

19. *Power to call Committee meetings.*—(1) The Chairman of a Committee may, at any time, call a meeting of his Committee and shall do so, if a requisition for that purpose is presented to him by at least half the total number of members of the Committee.

(2) At least ten clear days before the date of any meeting of a Committee, notice of the time and place of the intended meeting, signed by the Chairman of the Committee or the Secretary to the Board, shall be sent to the Government of India in the Ministry of Commerce and Industry and left at or posted to the address of every member of the Committee:

Provided that in cases of an emergency, a special meeting may be summoned, at any time, by the Chairman of the Committee who shall inform, in advance the Government of India in the Ministry of Commerce and Industry and members of the Committee, of the subject matter for discussion and the reasons for which he considers the matter to be urgent. No ordinary business shall be transacted at such special meeting.

20. *Quorum.*—No business shall be transacted at a meeting of a Committee unless there are present more than half the number of members constituting the Committee including the Chairman, if present.

21. *Absence from meetings of a Committee.*—Any member of a Committee absenting himself from two consecutive meetings without leave of the Chairman and, in any case, from three consecutive meetings shall cease to be a member of the Committee.

22. *Filling of casual vacancies.*—(1) Any casual vacancy on a Committee shall be filled by the remaining members of the Committee from amongst the members of the Board.

(2) A person appointed in a casual vacancy shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred:

Provided that when a member goes on leave, the person co-opted shall hold office until the member returns from leave.

23. *Presiding over Committee meetings.*—The Chairman of a Committee shall preside at every meeting of the Committee at which he is present; if he is absent,

the Vice-Chairman, if he is a member of the Committee, or the member nominated by the Chairman shall preside: but if the Chairman of the Committee or the Vice-Chairman or the member so nominated is absent, the members present at a meeting shall elect one of their number to preside at that meeting.

24. *Agenda.*—(1) The Chairman of a Committee shall cause to be prepared and circulated to the Government of India in the Ministry of Commerce and Industry and among members of the Committee at least seven days before a meeting of the Committee a list of business to be transacted at that meeting.

(2) No business not on the list of business shall be taken up without the permission of the Chairman.

25. *Business by circulation.*—(1) Questions which a Committee is required to take into consideration shall be referred to the members of the Committee either at its meeting or by circulation of papers, if the Chairman of the Committee so directs and copies of all papers so placed at the meeting or so circulated to members shall be sent to the Government of India in the Ministry of Commerce and Industry.

(2) Any proposal or resolution so circulated and approved by the majority of members who have recorded their views in writing shall be as effectual and binding as if such proposal or resolution were decided by a majority of votes at a meeting:

Provided that—

(a) at least a majority of the members of the Committee have recorded their views on the resolution or proposal;

(b) the papers need not be sent to any member who is absent from India;

(c) the Chairman of the Committee shall have the power to require any such decision to be placed before the Board for its consideration and the implementation of the Committee's decision shall be deferred till the matter is considered by the Board,

(d) when a question is referred to by circulation of papers any two members of the Committee may require that the question be considered at a meeting of the Committee and thereupon such subject shall be included on the agenda for the next meeting of the Committee.

(3) When any business is so referred to members of a Committee by circulation, a period of not less than seven clear days shall be allowed for receipt of replies from members. Such period is to be reckoned from the date on which notice of business is issued.

(4) If a resolution or proposal is circulated, the result of the circulation shall be communicated to all the members and to the Government of India in the Ministry of Commerce and Industry.

(5) All decisions on questions arrived at by circulation of papers shall be placed at the next meeting for record.

26. *Voting.*—(1) Every question at a meeting of a Committee shall be decided by a majority of the members present and voting on that question.

(2) In the case of an equality of votes, the Chairman or the member presiding shall have a second or casting vote.

27. *Record of business.*—(1) A record shall be maintained by the Secretary to the Board of items of business transacted by the Board or Committees thereof and copies of such records shall be submitted to the Central Government.

(2) The record of business transacted at every meeting of the Board and of the Committees shall be signed by the Chairman or the member presiding at such meeting.

(3) When any business is transacted by circulation of papers, a record of the business so transacted shall be signed by the Chairman of the Board or the Committee, as the case may be, directing the circulation.

28. *Travelling and other allowances to members of the Board and its Committees.*—A member of the Board other than a Government servant, shall be entitled to draw, in respect of any journey performed by him for the purpose of attending a meeting of the Board or of a duly constituted Committee thereof or for the purpose of discharging any duty assigned to him by the Board or the Committee concerned, travelling allowances and daily allowances in accordance with the rules and orders issued by the Central Government from time to time and at the highest rates admissible to Government servants of the first grade.

29. *Revision.*—(1) The Central Government may, for reasons to be recorded in writing, review any decision of the Board or its Committees and pass such order in the matter as it thinks fit.

(2) A copy of such order of the Central Government shall thereupon be sent to the Board or the Committee concerned, as the case may be, by the Central Government.

(3) On receipt of a copy of the order as aforesaid, the Board or the Committee, as the case may be, may make a representation to the Central Government against the said order and the Central Government may after considering the said representation, either cancel, modify or confirm the order passed by it under sub-rule (1) or take such other action in respect of the matter as may in the opinion of the Central Government, be just or expedient, having regard to all the circumstances of the case.

CHAPTER IV

THE BOARD AND ITS ESTABLISHMENT

30. *Salaries and allowances.*—The salaries, allowances, pension, leave and other contributions, if any, of the Chairman and other officers appointed by the Government under section 9 shall be met from the Board's funds.

31. *Board's establishment.*—(1) The Board shall, from time to time sanction such other establishment as is not covered by section 9 and may, subject to the approval of the Central Government, lay down the methods of recruitment, the conditions of service, the pay and allowances of all such officers and servants to be employed by it;

Provided that no post, the maximum salary of which exceeds rupees five hundred per mensem shall be created or appointments made thereto without the previous sanction of the Central Government;

Provided further, that in case of exigencies, temporary posts which would need to be created in the interests of the Board and the maximum salary of which posts does not exceed Rs. 500 per mensem, may be created and appointments against them be made by the Chairman.

(2) (a) *Filling of posts by direct recruitment.*—(i) All vacancies in the rank of officers to be filled by direct recruitment, shall be advertised and all vacancies in other ranks shall be notified to the Regional Employment Exchange concerned, unless the Chairman for valid reasons to be recorded decides otherwise.

(ii) A statement of all applications received from candidates and recommendations from the Employment Exchange shall be made and placed before the authorities competent to make appointments under these rules.

(iii) In respect of all vacancies in posts of Class IV, appointments shall be made by the Chief Officers of the departments concerned, that is, Chief Coffee Marketing Officer, Director of Propaganda, Director of Research or the Secretary, as the case may be, from the statement of applicants placed before them. The Chief Officer of the department concerned may delegate, with the approval of Chairman, to any officer of the department such of his powers under this rule as he may deem fit.

(iv) In respect of all vacancies in Class III, appointments shall be made by the Chairman from the statement of applicants placed before him and he may delegate to the Chief Officer of the department concerned such of his powers under this rule as he may deem fit.

(v) In respect of posts of all officers, other than those mentioned in section 9 and those whose maximum salary exceeds Rs. 500/- per mensem, appointments shall be made by the Chairman from the statement of applicants placed before him in consultation with the Executive Committee.

(2) (b) *Filling of posts by promotion.*—(i) If a vacancy in respect of posts of Class IV in the Board's establishment is to be filled up by promotion, the cases of all the candidates for promotion shall be examined by the Chief Officer of the Department concerned and appointments shall be made by him.

(ii) If a vacancy in respect of posts of Class III in the Board's establishment is to be filled up by promotion, the cases of all the candidates for promotion shall be examined by the Chairman and appointments shall be made by him.

(iii) If a permanent vacancy in respect of sanctioned posts of officers in the Board's establishment the maximum salary of which does not exceed Rs. 500/- per mensem is to be filled up by promotion, the cases of all the candidates eligible for promotion shall be examined by the Chairman and appointment made by him.

(iv) If a permanent vacancy in respect of sanctioned posts of officers in the Board's establishment, not covered by section 9 or the maximum salary of which exceeds Rs. 500/- per mensem is to be filled by promotion, the cases of all the candidates eligible for promotion shall be examined by the Board and appointments shall be made by it, subject to the approval of the Central Government.

(2) (c) *Filling of temporary vacancies in sanctioned posts.*—Temporary vacancies in respect of sanctioned posts which are not covered by section 9 shall be filled by the Chairman.

(3) *Postings and Transfers.*—Postings and transfers of all officers and servants of the Board shall be made by the Chairman who may delegate this power subject to such conditions as he thinks fit to the Chief Coffee Marketing Officer, the Director of Propaganda, the Director of Research or the Secretary.

(4) *Pay, leave and allowances including Travelling Allowance.*—(i) The pay, leave and allowances of all officers and servants appointed by the Board, shall so far as may be, be regulated in accordance with the Fundamental Rules and Supplementary Rules applicable to Government servants of the Central Government. The Chairman may grant leave to all such officers and servants and may also delegate this power to the Chief Officers of the Departments subject to such conditions as he thinks fit.

(ii) The pay, leave and allowances including travelling allowances of officers mentioned in section 9 and also permanent Government officers lent or transferred to the Board shall be regulated by the Central Government.

(iii) In the case of officers engaged on contract by the Board, leave rules shall be framed by the Board with due regard to the provisions of Model Leave terms framed by the Central Government for officers engaged on contract under their control.

(5) *Penalties.*—(i) The following penalties may for good and sufficient reasons be imposed on the officers and servants of the Board, namely:—

(a) Warning.

(b) Censure.

(c) Suspension.

(d) Recovery of the pay of the whole or part of pecuniary loss caused to Board by negligence or breach of trust.

(e) Withholding of increment or promotion including stoppage at efficiency bar.

(f) Reduction to a lower post of the time scale or to a lower stage in the time scale.

(g) Removal.

(h) Dismissal.

(ii) The Chairman may impose any of the said penalties in respect of all officers and servants whom he is empowered to appoint and may delegate the powers under this rule to officers under him to such extent as he deems fit.

(iii) The Chairman may impose any of the penalties specified in sub-clauses (a) and (b) of clause (i) on other officers and servants of the Board and also on officers mentioned in section 9 but shall intimate the action taken by him in this regard in respect of the latter to the Government of India in the Ministry of Commerce and Industry.

(iv) The Board may impose the penalties specified in sub-clauses (c) to (h) of clause (i) in respect of the officers and servants appointed by it and may delegate these powers to the Executive Committee to such extent as it deems fit subject to the conditions, namely:—

(a) that no person shall be removed or dismissed from or reduced in the office, the maximum salary of which exceeds Rs. 500/- per mensem without the sanction of the Central Government:

(b) that no person shall be removed or dismissed or reduced by an authority lower in rank than the authority empowered to appoint him substantively to the post he holds;

(c) that no person shall be removed, dismissed or reduced without giving him reasonable opportunity to show cause against such action;

(d) that these powers shall not be exercised in respect of officers mentioned in section 9 and permanent Government officers transferred to the Board;

Provided that no punishment shall be inflicted on Government officers lent to the Board except by the Governments concerned.

(6) The Board may delegate its powers under this rule to the Executive Committee.

CHAPTER V

FINANCES AND ACCOUNTS OF THE BOARD

32. *Power to incur expenditure.*—(1) Subject to the provisions of the Act and these rules, the Board may incur such expenditure as it may think fit and write off losses or waive recoveries upto Rs. 5,000 in any single case:

Provided that, save with the previous sanction of the Central Government, no expenditure shall be incurred which is in excess of the allotments under any head in the budget sanctioned by the Government:

Provided further that the Central Government may by standing instructions permit such expenditure generally within limits that may be laid down by it.

(1) (a) The Board may delegate the powers under sub-rule (1) to the Chairman or any of its Committees or its officers.

(2) Re-appropriations between the heads of expenditure specified in rule 33 shall not be made, save with the previous sanction of the Central Government or within such limits as may be laid down by it in this behalf. Re-appropriations between sub-heads within a head may, however, be made by the Board and the Board may delegate its powers in this behalf to the Chairman or to any of its Committee to such extent as it may deem fit.

(3) Subject to such restrictions as may be imposed by the Board, the Executive Committee shall exercise all powers of the Board in regard to the control and disposal of the General Fund, and the Marketing Committee shall exercise all powers of the Board in regard to the control and disposal of the Pool Fund; other committees shall also exercise all the powers of the Board in regard to the control and disposal of such funds as are placed by the Board at their disposal.

33. *Budget Estimates.*—(1) The Board shall in each year prepare a budget for the General Fund for the ensuing financial year and shall submit it for the sanction of the Central Government on or before such date as may in this behalf be appointed by that Government.

(2) The budget shall be in such form as the Central Government may direct and shall include a statement of—

(a) the estimated opening balance;

(b) the estimated receipts from the customs duty on all coffee levied under section 11 and the duty of excise levied under section 12;

(c) the estimated receipts from issue of licences and from other sources;

(d) the proposed expenditure classified under the following head or such other heads as the Central Government may direct;

(i) administration;

(ii) measures for promoting the sale and increasing the consumption of coffee (a) in India and (b) outside;

(iii) research;

(iv) statistics;

(v) Others.

(3) The proposed expenditure under each head shall be further classified under the following sub-heads:—

(i) Pay of Officers.
(ii) Pay of establishment.
(iii) Allowances, honoraria etc.
(iv) Other charges, contingencies etc.

(4) Supplementary estimates of expenditure, if any, shall be submitted for the sanction of the Central Government in such form and on such dates as may be directed by it in this behalf.

(5) The High Commissioner for India may function as Agent of the Board for promotion of sale of coffee in the United Kingdom, and may be authorised by the Board to incur such expenditure as he deems fit subject to the budget provision for the purpose. He shall be supplied with funds by the Secretary by remittances from the General Fund account. Before the close of each year, he shall prepare budget estimates for the ensuing year showing the opening balance, receipts, expenditure and closing balance and send them to the Secretary for adoption by the Board and submission to the Central Government for approval.

34. *Accounts of the Board.*—The Board shall maintain separate accounts for the General and Pool Funds.

(1) *General Fund.*—(i) In respect of General Fund relating to each year for which budget estimates are prepared, the Board shall maintain accounts of receipts and expenditure in such form as may be prescribed.

(ii) The audited statement of receipts and expenditure for each period together with the auditor's report thereon shall be submitted to the Central Government.

(iii) After the close of each year, the High Commissioner shall send to the Secretary an audited account of his receipts and expenditure. The Secretary shall place the statement before the Board and afterwards transmit it to the Central Government.

(iv) An abstract of statement of receipts and expenditure shall be published in the *Gazette of India.*

(v) The accounts of the receipts shall be shown under the following heads:—

(a) Moneys received under section 13 (1);
(b) Moneys received under the proviso to section 32 (2).

(vi) The opening balance, if any, shall also be stated as such separately.

(vii) Accounts of expenditure shall be shown under the following heads:—

(a) Administration of the Board.
(b) Measures taken for promoting the cultivation and curing and/or processing of Indian coffee.
(c) Measures taken for promoting the sale and increasing the consumption in India and elsewhere of Indian coffee.
(d) Measures taken for promoting agricultural and technological research in the interest of coffee industry in India.
(e) Statistics.
(f) Grants under section 31 (2) (c) and (e).
(g) Miscellaneous.

(viii) The closing balance of the year shall be shown at the foot of the accounts of the expenditure side.

(2) *Pool Fund.*—(i) The accounts of the Pool Fund shall be maintained separately for each season and in such form as the Board may direct and shall show *inter alia*—

(a) the amount realised on account of the sale of coffee from the surplus pool,
(b) the total sum distributed to registered owners,
(c) the expenditure on account of curing coffee received in the surplus pool,
(d) the amount spent in purchasing coffee from registered owners.

(e) amount of the duty of excise paid on coffee that may be released by the Board from the surplus pool for sale in the Indian Market,

(f) expenditure on account of the administration of the surplus pool for which budget estimates are prepared and got approved by the Board, and

(g) expenditure on account of the marketing of coffee deposited in the surplus pool.

(ii) The audit report on the accounts of the Pool Fund together with the explanatory notes shall be put up to the Board for approval.

35. *Deposit of Funds of the Board in Banks and the investment of such Funds.*—(1) Money required for current expenditure of the Board with the exception of petty cash and surplus moneys shall be kept in a current account in such Banks as the Central Government may approve.

(2) Any funds not required for current expenditure may be placed in deposit account with the Central Government in the Public Account.

(3) The placing of money in deposit with the Central Government shall require the sanction of the Chairman or the Vice-Chairman.

(4) Payments by or on behalf of the Board shall be made in cash or by cheque drawn against a current account of the Board.

(5) The cheque referred to in sub-rule (4) and all orders for making deposits or investments or for the withdrawal of the same or for the disposal in any other manner of the General and Pool Funds of the Board shall be signed—

(i) in respect of the General Fund by the Accounts Officer or any other officer duly authorised by the Board in this behalf and countersigned by the Chairman or any other officer duly authorised by him.

(ii) in respect of the Pool Fund by the Accounts Officer or any other officer duly authorised by the Board in this behalf and countersigned by the Chairman or any other officer duly authorised by him.

(6) The Chairman may also authorise withdrawal from the General or Pool Fund account for opening subsidiary current accounts in Banks approved by the Central Government in the official designation of the Director of Research or any other officer authorised by the Director of Research or other Marketing officers to enable them to make payments.

36. *Contracts.*—(1) The Board may enter into contracts for the discharge of the duties entrusted to it under the Act provided that every contract which extends over a period of more than five years or involves expenditure in excess of one lakh rupees shall require the previous sanction of the Central Government.

(2) The Board may delegate to the Chairman or any Committee the power to enter into contracts to such extent as it deems fit.

(3) The Board may issue subsidiary orders authorising the officers of the Board or its agents to execute contracts specifying the clauses of contracts and the conditions subject to which they may be executed.

(4) Contracts shall not be binding on the Board unless they are executed by the Chairman or any officer or agent authorised by the Board with the previous approval of the appropriate authority concerned.

(5) Neither the Chairman nor any officer of the Board nor any member or agent of the Board shall be liable for any assurances or contracts made by the Board but any liability arising under such assurances or contracts shall be discharged from the monies at the disposal of the Board.

CHAPTER VI

POWERS OF THE BOARD AND ITS CHAIRMAN

37. *Restriction on delegation of powers.*—The Board shall not delegate any of the following powers to the committees:—

(a) the power to sanction non-recurring expenditure in excess of Rs. 20,000 in respect of any single item and recurring expenditure which involves an outlay of more than Rs. 20,000 to a year;

(b) the power to adopt the Budget estimates of the Board on its behalf;

(c) the power to sanction expenditure to be incurred outside India in excess of Rs. 5,000 in respect of any single item;

(d) the power to reappropriate estimated savings in excess of Rs. 2,500 in the case of any single item; and

(e) the power to write off losses or waive recoveries in excess of Rs. 1,000 in any one case.

38. *Borrowing powers.*—The Board shall have power to take money on loan from a bank or banks approved by the Central Government against the securities held by such banks on behalf of the Board or against the security of the Pool Fund or on the security of the coffee delivered or treated as delivered for inclusion in the surplus pool for purposes for which it is authorised to expend money from the General Fund or the Pool Fund upon the following conditions namely:—

(a) no such loan for the General Fund or the Pool Fund shall be taken without the matter being placed before the Executive Committee of the Board in respect of a loan obtained for the General Fund and before the Marketing Committee of the Board in respect of a loan obtained for the Pool Fund;

(b) every such loan shall be repaid within one year from the date on which it was taken; and

(c) the total of such loans outstanding at any one time shall not exceed rupees three crores.

39. *Powers of the Chairman.*—(1) The Chairman shall be responsible for the proper functioning of the Board and the Committees thereof and the implementation of the decisions arrived at by the Board or by the Committees and the discharge of the duties imposed on him by these rules or under the Act.

(2) The Chairman shall be the principal executive officer of the Board and shall exercise administrative control over all departments and officers of the Board.

(3) Subject to such delegations as may be made by the Chairman to such other officer or officers as may be appointed for the purpose of this rule, the Chairman shall—

(a) cause all important papers and matters to be presented to the Board as early as practicable;

(b) issue directions as to the method of carrying out the decisions of the Board;

(c) grant or subject to a resolution by the Board, authorise some other person to grant, receipts on behalf of the Board for all monies received under the Act;

(d) maintain or cause to be maintained an account of the receipts and expenditure of the Board; and

(e) present an annual draft report on the working of the Board to the Board for approval and submit the report in the form approved by the Board to the Central Government.

(4) Subject to the budget provision, the Chairman may sanction expenditure on contingencies, supplies and services and purchase of articles required for the working of the office of the Board and required for the execution of measures in furtherance of the objects of the Act:

Provided that the Chairman may by order in writing delegate any of his powers under this sub-rule to any other officer or officers of the Board.

(5) The Chairman shall have, in addition to such powers as may be delegated to him by the Central Government or the Board in accordance with the provisions of the Act:—

(i) (a) power to inspect by himself or by any officer of the Board authorised by him in this behalf or to appoint agents for the purpose of inspecting any registered estate or licensed curing establishment or any place where coffee is stored or exposed for sale and to examine the books of any such estate or establishment or place;

(b) power to check the composition of blends manufactured by different roasters and to issue certificates to them indicating the composition and to inspect himself, or to authorise his subordinate officers to inspect any roasting establishment and to examine accounts and records of any such establishment and to collect samples of blends for inspection;

(ii) power to issue a permit for the re-importation of Indian coffee into India,

(iii) power to issue licences for sale of uncured coffee or in respect of curing establishment,

(iv) power to require the Board or any Committee to defer taking action pending a reference to the Central Government, on any decision on any of the following matters:

(a) division of the crop of a registered estate on the basis of percentage to be allotted to each estate,

(b) administration and marketing of the surplus pool,

(c) issue of licences to registered owners for the sale on the Indian market of uncured coffee,

(d) licensing of coffee curing establishments,

(e) fixing of a differential scale for valuing coffee,

(f) modification or cancellation of contracts,

(g) borrowing of any money by the Board and

(h) any other matter which in his opinion is not in the public interest or against the declared policy or intention of the Central Government,

(v) such other powers as may be delegated to him by the Board:

Provided that all or any of the powers specified in clauses (i), (ii) and (iii) and sub-clauses (a), (b), (c) and (d) of clause (iv) may be delegated by the Chairman to the Chief Coffee Marketing Officer by an order in writing either generally or within a prescribed jurisdiction:

Provided further that where a matter has to be disposed of by the Board or a Committee and the decision cannot wait till a meeting of the Board or the appropriate Committee as the case may be is held, or till completion of circulation of papers the Chairman may take a decision himself and after taking decision thereon, keep the members of the Board or the Committee informed of the decision so taken.

CHAPTER VII

MARKETING AND LICENSING

40. *Purchasing and selling coffee by the Board in the internal market.*—(1) The Board may, and if so directed by the Central Government shall, purchase coffee from the Indian market, when the Board, or as the case may be, the Central Government is satisfied—

(i) that the amount of coffee available for sale in the Indian market exceeds or is likely to exceed the estimated demands of the Indian market to such an extent as to cause or threaten a serious fall in prices; or

(ii) that there is not enough coffee of the kind or quality in the surplus pool to enable the Board to fulfil the demands for the export of coffee.

(2) The Board may release coffee from the surplus pool for sale in the Indian market in its discretion and shall do so—

(i) when it is satisfied that the amount of coffee available in the internal market according to its kind and quality falls short of the requirements of the Indian market; or

(ii) when necessary directions are issued by the Central Government.

41. *Appointment of Agents.*—The Board may appoint any person or body of persons to act as its agents for all or any of the following purposes, namely:—

(a) marketing of coffee in the Indian Market or for export;

(b) storing of coffee which is in the custody of the surplus pool;

(c) supervising the curing of coffee by licensed curing establishments and the deliveries of cured coffee by such curing establishments to the surplus pool;

(d) collecting of coffee from planters for delivery to the surplus pool; and

(e) making payments from the funds received from the Board to planters on coffee delivered.

42. *Remuneration to Agents.*—The Board shall fix the remuneration to be granted to the agents for the services rendered by them.

43. *Licence for sale of uncured coffee from an estate.*—(1) An application for a licence for the sale from an estate of uncured coffee under section 24 shall be in Form A.

(2) Any licence issued by the Board under the said section may be for the whole amount of coffee covered by internal sale quota of the estate, or for any lower amount and shall be as in Form B.

(3) No fee shall be payable for any licences issued under sub-rule (2).

44. *Export of Coffee.*—(1) The Board may authorise the export of coffee under section 20 under such terms and conditions as it may deem fit in any of the following cases, namely:—

(i) coffee sold by the Board in pursuance of its functions under section 26;

(ii) roasted or prepared coffee;

(2) The Board shall issue orders for the export of coffee and permits for re-importation of exported coffee in Forms C and D respectively.

45. *Licensing of curing establishments.*—(1) An application by a curing establishment for a licence under section 28 shall be accompanied by a fee of rupee five:

Provided that the Board may exempt from payment of licence fee any estate which hulls its own coffee on the estate.

(2) (i) A licence to operate as a curing establishment shall be in Form E and subject to such conditions as may be specified therein.

(ii) The licence may be cancelled by the Board if the Board is satisfied after giving the licence that the curing establishment has committed a breach of the provisions of the Act or these rules or of the conditions of the licence.

(3) Licences issued by the Board under section 24 or section 28 shall be in numbered forms of which counterfoils shall be maintained by the Board. Such licences shall not be transferable.

(4) Every curing establishment shall at such times or at such intervals as may be required by the Board send by registered post to the Board statements showing the amount of cured coffee sold by it on behalf of each estate with which it was dealing for the year as defined in clause (n) of section 3 and such other particulars as may be prescribed.

CHAPTER VIII

MISCELLANEOUS

46. *Returns from Registered Estates.*—(1) Every person subject to the provisions of sub-section (1) of section 14 shall, in respect of each estate owned by him, send by registered post to the Board—

(i) within one month of the date he became so subject a statement showing the amount of coffee produced in each of the three preceding years,

(ii) a return in Form F—

(a) on the 1st of October for estates situated in the Madurai and Tirunelveli districts of the State of Madras, or

(b) on the 1st of November for estates situated elsewhere,

(iii) a return in Form G before the seventh day and twenty-first day of every month until the entire crop has been picked, the first return being submitted—

(a) in October for estates situated in the Madurai and Tirunelveli districts of the State of Madras, and

(b) in January for estates situated elsewhere.

(2) The Board may require the owner to furnish any additional information as it may consider necessary.

(3) The Board may delegate its powers under this rule to the Chairman.

(4) The Chairman, or the Chief Coffee Marketing Officer or any other officer authorised by the Chairman shall have power to call for any information or statistics in respect of coffee or any product of coffee from:

(a) any licensed curing establishment; and

(b) any person or firm or company dealing in or having any connection with coffee or any product of coffee.

47. *Inspection of Records by Growers.*—(1) A registered owner shall be entitled on application to the Board at any time during business hours to inspect entries in so far as they relate to the estate of which he is the owner and in respect of which application is made in all or any of the following books:

(a) Register of growers,

(b) Register of estates,

(c) Pool Fund account.

(2) On payment of such copying charge as may be fixed by the Board, any registered owner shall be entitled to obtain copies of any entries which he is entitled to inspect under sub-rule (1). Such entries shall be certified as correct by an official of the Board authorised in this behalf.

48. *Redelegation of powers.*—The powers delegated to the Chairman, any Committee or any of its officers may, with the previous approval of the Board, be further delegated by the Chairman or such Committee or officers to any other officers.

THE FIRST SCHEDULE

[*See* rule 2 (10)]

FORM A

[*See* rule 43 (1)]

Form of application for a licence for the sale of uncured coffee during the year 195 /5
(1st July to 30th June)

Name of Estate

Registration No. District

Name of Owner/Manager

Postal address

	Estimated crop of the current season *	Internal sale quota *	Crop already sold on estate or reserved for such sale under licence granted by the Board and particulars of such licences	Quantity for which licence is now required * *
Arabica—				
(1) Parchment				
(2) Cherry (including strippings and Estate Pounded.)				
(3) Gleanings				
Robusta—				
(1) Parchment				
(2) Cherry				
(3) Gleanings				
Other Varieties				
Total				

*Figures to be given in Imperial bushel, if possible. If figures are given in any other unit of weight or measure, please add a footnote giving its equivalent pounds avoirdupois or Imperial bushels.

Place..........................

....
Signature

Date..........................

FORM B

[*See* rule 43 (2)]

No..............................

Licence for the sale of uncured coffee under section 24 of the Coffee Act.

Name of Estate

Registration No. District

Name of Owner/Manager

Postal address

	Quantity authorised to be sold under this licence	Conditions attached to this licence, if any
Arabica—		
(1) Parchment		
(2) Cherry (including Strippings and Estate Pounded)		
(3) Gleanings		
Robusta—		
(1) Parchment		
(2) Cherry		
(3) Gleanings		
Other Varieties		
Total		

Seal

Place..........................

....
Signature

Date..........................

Chief Coffee Marketing Officer,
Coffee Board

NOTE.—This licence is not transferable.

FORM C

[*See* rule 44 (2)]

COFFEE BOARD

Order for the export of Coffee from India.

No..................

Authority is hereby accorded to Mr./Messrs...............for the export of .... Cwts................Qrs..............lbs. of Coffee from the port of .... to.........................particulars of this coffee being as under

1. Coffee sold as per contract No.................
2. Type and Grade of coffee.........................

This permit shall be valid upto.......................

Seal.......................

Place......................

Date.......................

Chief Coffee Marketing Officer, Coffee Board.

FORM D

[*See* rule 44 (2)]

Permit for the re-importation of Indian Coffee exported under section 21 of the Coffee Act.

Mr.......................................of (Address) ....
is authorised to re-import into India.....................Cwts. of Indian Coffee which was exported on....................(under* the authority of the Coffee Board conveyed in their Order No.................................dated..............................

Chief Coffee Marketing Officer,
Coffee Board.

Seal.........................

Place........................

Date.........................

---

*To be completed if the quantity was exported in terms of the Coffee Act, 1942.

FORM E

[*See* rule 45 (2) (i)]

COFFEE BOARD

Licence for curing establishment, under section 28 of the Coffee Act.

Name of curer	Address of curer	Conditions attaching to licence (if any)

Chief Coffee Marketing Officer.
Coffee Board.

Seal.............................

Place............................

Date.............................

NOTE.—This licence is not transferable.

FORM F

[*See* Rule 46 (1) (ii)]

Crop Estimate

(To be returned by 1st October in the case of Madurai, Tirunelveli and Travancore and by 1st November by all others.)

Name of Estate and Elevation

Registration No. District

Name of owner and Manager
(if any with Postal Address)

Estimated Crop

(In bushels, candies or tons as convenient)
(If candy, state number of lbs. per candy)

(*a*) Arabica..

(*b*) Robusta..

(*c*) Other varieties ....

PLANTED AREA	BEARING AREA
(*a*) Arabica	....
(*b*) Robusta	....
(*c*) Other varieties........................	....

N.B.—Please state the quantity required for:

(*a*) Domestic consumption—Bushels/Cwts.................................. .....
My family consists of...................................members
(*b*) Seed purposes—Bushels/Cwts.......................

Place..............................

Date..............................

....
Signature.

FORM G

[*See* rule 46 (1) (iii)]

Please state the period for which the Return is made (*i.e.*, 1-8-195 to... ....)

COFFEE BOARD

Monthly crop return

Monthly Crop Return to be furnished by a Registered Owner under Section 23 of the Coffee Market Expansion Act, on the 1st of every month.

N.B.—(1) The first return of the year (August to July) shall be furnished on the 1st day of November in respect of estates in the Madurai and Tirunelveli Districts of the State of Madras and on the 1st of January in respect of others.

(2) The returns of the year shall continue to be furnished until the entire crop on the trees has been picked and the gleanings collected, the last return of the year being marked 'Final'.

(3) Each return shall relate to the period from the 1st of August to the day preceding its due date of submission; *i.e.*, total crop to date.

(4) FRUIT means what is picked for pulping; CHERRY means the coffee to be dried in its natural state.

Name of Estate

Registration No. District

Name of Owner and Manager (if any) with Postal Address

Name of Curer

	Crop picked and collected to date (*a*)	Crop despatched to Pool Agent (*b*)	Crop delivered to Collecting Agent or Pool Depot (*c*)
ARABICA			
1 Fruit			
2 Cherry			
3 Gleanings			
Total Arabica			
ROBUSTA			
1 Fruit			
2 Cherry			
3 Gleanings			
Total Robusta			

Crop estimates Revised up to date
Arabica................tons/cwts., Robusta.............tons/cwts.

(*a*) Figures to be shown in Cherry Boxes or any other unit together with their equivalent in Imperial Bushels or cwts. or tons as the case may be.

(*b*) Figures to be given in struck Imperial Bushels, if possible but if not possible in any other unit together with their equivalents in pounds avoirdupois or Imperial Bushels.

Place.................................
Date..................................

....
Signature.

THE SECOND SCHEDULE

[*See* rule 3(2)]

Provisions relating to elections

1. *Constituencies.*—The undermentioned constituencies shall be formed and they shall be entitled to elect the number of members noted against each to the Board:

	Seats
Madras State—Large Growers' constituency	2
Mysore State—Large growers' constituency	2
Coorg State—Large growers' constituency	2
	6

The large growers' constituency in a State shall consist of every large grower registered in that State as provided under section 14.

2. *Voting.*—The persons in whose names the estates are registered shall be the voters:

Provided where an estate is registered in the names of more than one person the registered owners shall nominate one among them to vote on their behalf:

Provided further where an estate is registered in the name of a Company, the Company shall nominate its Chairman, Managing Director, partner or other share holder to vote on behalf of the Company.

3. *Electoral Rolls.*—The Secretary shall prepare electoral rolls for each constituency every two years on the basis of voters therein as on the 1st August of the preceding year and shall cause them to be published in such manner at the office of the Board and at such other places as the Chairman may decide.

Objections, if any, from the electors must be submitted to the Returning Officer within 10 days of the publication of the electrol roll.

If any dispute arises whether any person is entitled to be an elector in a constituency the Secretary shall report the matter to the Chairman whose decision thereon shall be final.

No election to the Board conducted under these rules shall be invalid by reason of any vacancy among the number of persons entitled to vote at such election.

4. *Franchise.*—Every voter in each constituency shall have one vote for each of any vacancy among the number of persons entitled to vote at such election.

5. *Returning Officer.*—The Chairman of the Board shall be the Returning officer for the election of representatives of the coffee growers on the Board and shall, subject to the provisions of the Act and its Rules, do all things necessary for the conduct of elections.

6. *Notification of vacancies.*—If any vacancy occurs or is about to occur by efflux of time or by any other reason the Chairman shall issue a notification stating the nature of the election, the last date for presentation of nomination papers, and the time and place for scrutiny of the nominations.

Each elector shall be at liberty to nominate a person on his electoral roll to fill the vacancy. Every nomination shall be made by an elector in writing and shall be seconded in writing by another and every such nomination shall be accompanied by the consent in writing of the nominee agreeing to serve on the Board, if elected, and must reach the Returning Officer not later than the notified date which shall be not less than 10 days after the publication of the notification of the vacancies.

No candidate for election to the Board shall stand for election at the same time for more than one constituency.

7. *Scrutiny of nomination papers.*—All nomination papers shall be scrutinised by the Returning Officer on the date and hour and at the place appointed and notified, and the names of the candidates whose nomination papers have been declared valid shall be published on the same day by affixing a copy thereof on the Notice Board at the Office of the Returning Officer.

Appeals, if any, from candidates whose nominations have not been held valid must be filed within 7 days of the declaration of valid nominations and those shall be placed before the Returning Officer whose decision shall be final.

8. *Nominations not exceeding the vacancies.*—If the number of valid nominations does not exceed the number of vacancies to be filled, the Returning Officer shall declare such nominees to be elected.

9. *Procedure for elections.*—If the number of valid nominations exceeds the number of vacancies to be filled, the Returning Officer shall forward to each elector through the post (i) the numbered declaration paper (to declare that the voter is a member of the constituency concerned and has signed no other voting paper at that election for that constituency), (ii) a voting paper on which the names of the candidates duly nominated shall be arranged in alphabetical order and which shall bear on it directions to the voter, the initials of the Returning Officer and the date of posting, (iii) a voting paper cover and an envelope addressed to the Returning Officer, and (iv) the letter of intimation stating the number of vacancies, the date and hours fixed for the poll and the date and hour fixed for the scrutiny and counting of votes. The papers shall be forwarded to the address entered against the name of the elector in the electoral roll or, if the elector has since the preparation of the roll changed his address and intimated the fact in writing to the Returning Officer not later than 14 days before the date fixed for the despatch of the voting papers, to the address so given.

(1) The date fixed for the poll shall not be less than 10 days from the date of the posting of the voting papers.

(2) The elector shall, after filling up the declaration paper and the voting paper in accordance with the directions given in the letter of intimation, enclose the voting paper in the voting paper cover and stick it and enclose this

cover and the declaration paper in the envelope addressed to the Returning Officer and send the envelope by registered post so as to reach the Returning Officer not later than the date and the latest hour fixed for the poll, or, at his option, either in person or by an agent, deposit the envelope addressed to the Returning Officer in the ballot box provided at the office of the Returning Officer for the purpose on the date and during the hours fixed for the poll.

(3) If an elector is incapacitated from blindness or other physical cause from voting in the manner prescribed, it shall be competent for him to record his vote by the hand of any of the officers or other persons empowered to attest his declaration; and such officer or other persons shall, on the declaration paper certify the incapacity and attest the fact of his having been requested by the elector to mark the voting paper for him and of its having been so marked by him in the presence of the elector.

(4) The following officers are empowered to attest the votes of incapacitated electors:—

(i) Magistrates (as defined in the Code of Criminal Procedure),
(ii) District Registrars,
(iii) Sub-Registrars,
(iv) Assistant Coffee Marketing Officers.

(5) An elector who has not received his voting and other connected papers sent by post or whose papers, before their despatch back to the Returning Officer, have been inadvertently spoilt in such manner that they cannot be conveniently used, or who has lost his papers, may on his transmitting to the Returning Officer a declaration to that effect signed by himself require the Returning Officer to send him new papers in place of those not received, spoilt or lost; and, if the papers have been spoilt the spoilt papers shall be returned to the Returning Officer who shall cancel them on receipt. In every case when new papers are issued, a mark shall be placed against the number of the elector's name in the register (electoral roll) to denote that new papers have been issued in place of those not received, spoilt or lost.

(6) The Returning Officer shall deposit all the covers containing declaration and voting papers received by him in a safe in his office until the time fixed for the scrutiny and counting of the votes.

(7) The Returning Officer shall appoint two officers of the Board to act with him in the scrutiny and counting of the votes. Any candidate or his duly appointed agent may be present at the time of such scrutiny and counting of votes.

(8) On the day and at the hour appointed for the scrutiny and counting of votes the envelopes received from the electors except those which have not either been sent by registered post so as to reach the Returning Officer not later than the day and the latest hour fixed for the poll or deposited in the ballot box provided for the purpose on the day and during the hours fixed for the poll, shall be arranged and counted. They shall then be opened and the declaration papers and the voting paper covers examined. The voting paper covers other than those rejected hereunder shall next be opened and the voting papers taken out and mixed together. The voting papers shall then be scrutinised and the valid votes counted.

(9) A voting paper cover shall be rejected if—

(i) the envelope contains no declaration paper outside the voting paper cover, or
(ii) the declaration paper is not the one sent by the Returning Officer, or
(iii) the declaration or attestation is not in accordance with the rules, or
(iv) the voting paper is placed outside the voting paper cover, or
(v) more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope.

In the case of rejection, the word 'rejected' shall be endorsed on the voting paper cover or the declaration paper as the case may be.

(10) A voting paper shall be invalid if—

(i) it does not bear the Returning Officer's initials, or
(ii) more votes than the number of persons to be elected are recorded on it, or

(iii) no vote is recorded thereon, or

(iv) a voter signs his name or writes any word or makes any mark on it, by which it becomes recognisable, or

(v) it is void for uncertainty.

On every paper so rejected, the Returning Officer shall endorse the word un-valid' and such papers shall be kept in a separate parcel.

10. *Number of votes to be recorded.*—Only one vote shall be recorded for any one candidate.

11. *Decision regarding validity.*—The decision of the Returning Officer shall be final as to the validity of any votes recorded.

12. *Declaration of results.*—After the scrutiny is completed and the votes have been counted a statement shall be prepared showing—

(a) the names of the candidates for whom valid votes have been given;

(b) the total number of votes given;

(c) the number of valid votes given for each candidate; and

(d) the name of the candidate elected.

(2) Candidates who have received largest number of votes shall be deemed to be elected up to the number of vacancies available provided that in the event of two or more candidates obtaining equal number of votes the final election shall be made by drawing lots such manner as the Returning Officer may determine.

(3) The Returning Officer shall communicate the name of the candidate declared elected along with the above statement to the Central Government. The results of all elections shall be published in the *Gazette of India* and shall have effect from the date fixed in such notification.

13. *Preservation of voting papers.*—The voting papers, together with the declaration papers, if any, of all elections shall be preserved in the Board's office for 6 months after the results are duly notified.

DECLARATION PAPER

Serial No.........

Elector's Name and the number in the............ .. ....
Electoral roll...................................

Elector's declaration

I (name in full and designation) .... declare that I am an elector for the election of member(s) by the (name of the constituency).............to the Coffee Board and have signed no other voting paper at this election.

Date..........

Station...........

Singnature

Address....................................

....

Face of voting paper cover

Voting Paper

Face of Envelope

By Registered Post

Election to the Coffee Board by ....

To

The Returning Officer.
(Address)

Voting Paper

Election.......................
Face of Voting Paper

Names of candidates	Mark showing the voter's choice

(Please see instructions on the back)

(Back of Voting paper)

(1) The number of vacancies to be filled is two.

(2) Place a cross mark thus X against the name(s) of the candidate(s) for whom you wish to vote.

(3) A voting paper will be invalid if—

- (a) it does not bear the Returning Officer's initials, or
- (b) more votes than the number of persons to be elected are recorded on it, or
- (c) no vote is recorded thereon, or
- (d) a voter signs his name or writes any word or makes any mark on it, by which it become recognisable, or
- (e) it is void for uncertainty.

Letter of Intimation

Sir,

1. The person(s) whose name(s) are printed on the voting paper sent herewith have been nominated as candidates for election to the Coffee Board. Should you desire to vote at this election, I have to request that you will—

- (a) fill up and sign the declaration paper;
- (b) mark your vote, in the column provided for the purpose in the voting paper, as directed on the voting paper;
- (c) enclose the voting paper in the small cover and stick it; and
- (d) put the smaller cover and the declaration paper in the envelope addressed to me and return the same to me *either* by registered post, so as to reach me not later than......P.M. on........the........................day of.........19......or deposit, or cause to be deposited, the envelope addressed to me in the ballot box provided for the purpose............between..........A.M. and........ P.M. and on the same day.

2. Voting papers will be rejected—

- (a) if the envelope enclosing the voting paper cover and the declaration paper is not either (1) sent by *registered* post and received not later than the hour fixed for the closing of the poll, or (ii) deposited in the ballot box on the date and between the hours fixed;
- (b) if the outer envelope contains no declaration paper outside the smaller cover;
- (c) if the voting paper is not enclosed in the smaller cover;
- (d) if more than one declaration paper or cover containing voting paper have been enclosed in one and the same envelope;
- (e) if the declaration or attestation is not in order;
- (f) if the declaration paper is not the one sent by the Returning Officer to the voter; and
- (g) if the voting paper is invalid.

3. A voting paper will be invalid if—
    - (a) it does not bear the Returning Officer's initials; **or**
    - (b) a voter signs his name or writes any word or makes any mark by which it becomes recognisable; or
    - (c) no vote is recorded; or
    - (d) more votes than the number of persons to be elected are recorded on it; or
    - (e) it is void for uncertainty.

4. Declaration papers need not be attested, but in case of a voter who is incapacitated from blindness or other physical cause from voting in the manner prescribed, it shall be competent for him to record his vote by the hand of any of the following persons;

Magistrates (as defined in the Code of Criminal Procedure); District Registrars; Sub-Registrars and Assistant Coffee Marketing Officers.

5. Such persons shall, on the declaration paper, certify the incapacity and attest the fact of his having been requested by the voter to mark the voting paper for him and of its having been so marked by him in the presence of the voter.

6. If a voter inadvertently spoils a voting paper, he can return it to the Returning Officer who will, if satisfied of such inadvertence, issue to him another paper.

The scrutiny and counting of votes will begin on..................

Station.......................... *Returning Officer.*
Dated..............................

[No. 15(1) Plant/55.]
P. C. ALEXANDER, Dy. Secy.

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